

APPROVED MEETING MINUTES
SOUTH CAROLINA SHORELINE CHANGE ADVISORY COMMITTEE
Topic: Beachfront Erosion Control
May 8, 2008 – 9:30am-4:30pm

This document is not intended to be a meeting transcript, *per se*. It is a summary of key themes and some (though not all) of the background dialogue. The meeting summary's structure roughly parallels that of the meeting agenda but is not necessarily true to the temporal order of discussion. A digital recording of the meeting is located at SCDHEC-OCRM's Charleston office.

In Attendance:

1) Advisory Committee members:

Jeff Allen,	Clemson University
Sara Brown,	U.S. Army Corps of Engineers
Mark Caldwell,	U.S. Fish & Wildlife Service – <i>alt. for Tim Hall</i>
Jimmy Carroll,	Carroll Realty
Marc Cherry,	Gramling Brothers, Inc. – <i>alt. for Ben Gramling</i>
Mary Conley,	The Nature Conservancy
Paul Conrads,	U.S. Geological Survey
Hamilton Davis,	S.C. Coastal Conservation League
Josh Eagle,	University of South Carolina
Paul Gayes,	Coastal Carolina University
Bob George,	G. Robert George & Associates, Inc.
Tina Hadden,	U.S. Army Corps of Engineers
Tim Hall,	U.S. Fish & Wildlife Service
Scott Harris,	College of Charleston
Norm Levine,	College of Charleston
Tara Miller,	NOAA Coastal Services Center – <i>alt. for Jeff Payne</i>
Jim Morris,	University of South Carolina
Aaron Pope,	City of Folly Beach – <i>alt. for Toni Connor-Rooks</i>
Denise Sanger,	S.C. Sea Grant Consortium – <i>alt. for Rick DeVoe</i>
Linda Tucker,	City of Isle of Palms
Bob Van Dolah,	S.C. Department of Natural Resources

2) Guest Speakers:

Jim Gregson,	North Carolina Division of Coastal Management
Doug Huggett,	North Carolina Division of Coastal Management
Guy Stefanski,	North Carolina Division of Coastal Management
Ted Tyndall,	North Carolina Division of Coastal Management
Rob Young,	Program for the Study of Developed Shorelines, WCU

3) S.C. Department of Health & Environmental Control:

Dan Burger,	OCRM Communication & Technical Resources Director
Braxton Davis,	OCRM Science & Policy Director
Sadie Drescher,	OCRM Research Specialist
Curtis Joyner,	OCRM Wetland Permitting & Certification Manager
Shawn Kiernan,	OCRM Senior Coastal Planner
Mark Messersmith,	OCRM Research Specialist
Barbara Neale,	OCRM Regulatory Director
Marian Page,	OCRM Finance Director
Marvin Pontiff,	OCRM Assistant Deputy Commissioner
Melissa Rada,	OCRM Science & Policy Program Coordinator
Matt Slagel,	NOAA Coastal Management Fellow
Elizabeth Von Kolnitz,	OCRM Planning Director

4) S.C. Office of Human Resources

Nathan Strong, Facilitator

Welcome and Introductions:

Braxton Davis, Director of OCRM's Science & Policy Division, provided a brief overview of the Shoreline Change Initiative and the purpose of the Advisory Committee. He reiterated that the charge of the Committee is to identify research and information needs and priorities and to explore policy options for improved beachfront and estuarine shoreline management in South Carolina. To date, there have been two orientation meetings focused on OCRM authorities and activities, the Committee work plan and process, and shoreline management in other states. The Committee has also examined research and information needs, South Carolina's policy of retreat, and beach renourishment. The Committee approved the minutes from the meeting on March 31, 2008 (the final minutes are now posted on the Shoreline Change Advisory Committee website). Dr. Davis then reminded the Committee that a subcommittee leader is still needed to work on a draft policy template that will explore potential dedicated funding mechanisms for beach renourishment. The next meeting will be held in late June and will provide an opportunity for the Committee to revisit the draft policy option templates that have been developed so far. A new topic area will not be introduced at that meeting.

Presentations:

The following presentations are available on the Shoreline Change Advisory Committee website: http://www.scdhec.gov/environment/ocrm/science/shoreline_comm_0508.htm

Shoreline Management in North Carolina

Jim Gregson, Ted Tyndall, Guy Stefanski, and Doug Huggett, North Carolina Division of Coastal Management

Question and Answer session with North Carolina group:

Q- If there is no vegetation line, how is the setback established?

A- Under current rules, a line is extrapolated from the nearest vegetation lines. After a major storm, an area can be designated as unvegetated, and then the line is drawn based on pre-storm aerial imagery.

Q- Have there been challenges to the 2 ft/yr minimum erosion rate?

A- The setback offers protection from hurricanes, but a few court cases have challenged that the minimum erosion rate should not be used on stable or accreting beaches when calculating the setback. The cases have not been successful in changing the minimum erosion rate.

Q- Have structures been destroyed in North Carolina that couldn't be rebuilt under current rules? If so, how was this handled?

A- Some lots have recovered from storms and may be buildable again, but others with destroyed structures have not been rebuildable. Since the owner of the destroyed property can still build such structures as pools, gazebos, parking lots, and private beach access walkways, research has shown that North Carolina is not guilty of performing a “takings” in these instances.

Q- What is the process for amending or developing beachfront management rules in North Carolina?

A- Suggestions from staff discussions may be considered by the Coastal Resources Commission (CRC) and the outcomes from this process are then open for comment during public hearings. The Rules Review Committee, which is appointed by the state legislature, may then introduce a bill. Anyone can petition the CRC with proposed language for a new rule.

Q- Is the number of properties per a certain parcel size limited?

A- Density is only limited in Inlet Hazard Areas. In these areas, there can only be one property for every 15,000 sq. ft. of land.

Q- In North Carolina, the baseline is the first line of natural stable vegetation on the beach. One of the proposed policy changes states that exceptions to the static vegetation line will allow limited development under limited conditions landward of large-scale beach fill projects with long-term maintenance. What if a community can’t fulfill its promise to continue nourishing the beach after the vegetation line has moved seaward?

A- The community cannot be forced to remove existing structures, but no new structures would be allowed. The CAMA requires that if a house is threatened for 2 years, it must be removed. A house is considered threatened if the erosion scarp is less than 20 feet from the foundation.

Q- What process was used to come up with the numbers for the recently proposed retreat rule changes?

A- The retreat rule changes were originally based on the traditional mortgage of 30 years. The new setbacks are intended to ensure that larger structures are set back farther than smaller structures, and are not dependent on use but on size.

Q- Are there comparable retreat policies for estuarine shorelines in North Carolina? A- The area 75 ft. landward of the shoreline requires a permit, and there is a 30-ft. buffer from the normal high water line (not from the marsh edge).

Q- Are there property disclosure rules in North Carolina to inform potential buyers about the history of the property they are investing in?

A- There are currently no property disclosure rules.

Q- Are there any constraints on where borrow sites for beach renourishment projects can be located?

A- There is a 500-meter buffer from high relief hard bottom, but otherwise, each project is reviewed on a case-by-case basis.

Q- How smoothly will adoption of the newly proposed rule changes be?

A- Local governments and other stakeholders were engaged early on, and helped tweak the proposed rules, which eliminated many potential concerns and comments. Some compromises have been determined - for example, large hotels that would have been impacted by the proposed rules will face no further restrictions if they commit to long-term beach renourishment.

Q- Is there a general impression that North Carolina has unlimited sand resources? How will conflicts be managed?

A- No, there is not adequate sand in North Carolina, and additional sources of sand need to be identified. This is one goal of the Beach and Inlet Management Plan (BIMP), which is underway.

South Carolina Beachfront Erosion Control Regulations

Barbara Neale, SCDHEC-OCRM

Question and Answer session with Barbara Neale:

Q- What is the timeframe that is allowed in South Carolina for the temporary use of sandbags (emergency orders)?

A- The timeframe is site-specific and determined by local governments. It is not determined by OCRM.

Perspectives on Coastal Science and Management

Rob Young, Western Carolina University, Program for the Study of Developed Shorelines

Question and Answer session with Rob Young:

Q- What is the website URL that lists nationwide beach nourishment projects?

A- <http://psds.wcu.edu/1038.asp>

Facilitated Discussion and Decisions on Policy Options to Explore:

Nathan Strong, Facilitator for the Shoreline Change Advisory Committee, led the Committee members in a discussion of potential policy options relating to beachfront erosion control that they would like to explore and develop with draft templates. Five key issues were identified, and all five of these will be developed into full templates as follows:

NOTE: This DOES NOT infer that any one or all of the Committee members are supportive of any of these ideas at this stage. This exercise was intended to allow for open “brainstorming” of ideas - even ideas that may not seem possible or preferable on the surface, to help foster discussions among the Committee.

1) Revising policies regarding the use of sandbags

Some issues that could be addressed in the full template include:

- a. Size of bags, duration and frequency of emergency orders, placement, height, scale, compatible material (fill), UV/biodegradable materials for bags
- b. Involvement of local governments in emergency orders
- c. Enforcement/penalties
- d. Maintenance and repairs vs. enhancement
- e. Require removal bond, could be held by local municipality vs. OCRM (but maybe OCRM responsible for oversight)
- f. Specify monitoring/contingencies for removal
- g. Standards for installation to allow for easier removal

Subcommittee Lead: Tara Miller
Paul Conrads
Bob George
Hamilton Davis

2) Standards for when emergency orders may be issued: chronic erosion vs. cyclical vs. emergency declaration

Some issues that could be addressed in the full template include:

- a. Advance borrow site planning/long-term beach management planning/permit planning
- b. Repetitive threat of loss for individual properties
- c. Storms are not necessarily unusual
- d. ID chronically eroding areas, must have advance borrow site planning done in order to be eligible for emergency orders/temporary sand bags
 - i. Paperwork/funding ready/bond
 - ii. Over what time periods?
 - iii. Different from storm events/exception
- e. Hazard implementation plan in place for each municipality could be required
- f. Avulsion vs. chronic erosion – common law allows property owners to reclaim event-based erosion
- g. Clarify definition of “emergency” (SC CTWA - 39-10)
 - i. Do responses depend on type of emergency? Evaluation of emergency response options – e.g. sand scraping
 - ii. Is it a condition or an event?
 - iii. Winter storms happen every year, so condition?
- h. See Florida inlet management plans

- i. USACE storm reduction projects – req. Governor declaration or long process to justify exceedence of “design storm”
- j. NC – after two years of consistent “imminent threat”, structure must be removed. Should this example be followed in SC?

Subcommittee Lead: Hamilton Davis

Paul Gayes

Norm Levine

Marc Cherry

Josh Eagle

3) Improve real estate disclosure and public education

Some issues that could be addressed in the full template include:

- a. Latent defects? Beachfront disclosure needs to be stronger in contracts. Erosion rate not enough (baseline/setback lines are also supposed to be disclosed, distance from corners of habitable structures to those lines)
- b. Does federal COBRA program (Coastal Barrier Resources Act) require disclosure? If not, maybe state should add COBRA disclosure to real estate transactions...
- c. Has an emergency order been issued? Tie to deed/title? Financial consideration of mortgage company or bank? Does National Flood Insurance Program (NFIP) cover erosion?
- d. Include distance from property? Whole beach?
- e. Education of homeowner of options (exit strategy), economics of renourishment, retreat, erosion control rules – alternative uses of properties)
- f. What about existing recourse for real estate agents who do not fulfill disclosure requirements?
- g. Notify of repetitive losses – tie state policy to NFIP losses? Or to OCRM post-storm Destroyed Beyond Repair (DBR) assessments?

Subcommittee Lead: Jimmy Carroll

Scott Harris

Norm Levine

Marc Cherry

4) Reinforce existing prohibitions on beachfront seawalls, revetments, and bulkheads

Some issues that could be addressed in the full template include:

- a. Consider lowering the scale on Destroyed Beyond Repair (DBR) assessments for erosion control structures (ended in 2005 at 50%)

Subcommittee Lead: Jeff Allen

Mark Caldwell

5) Re-evaluate groins and breakwaters: prohibition or conditional restrictions, including geotextile tubes, and other shore perpendicular mechanisms

Some issues that could be addressed in the full template include:

- a. Are these types of structures an appropriate response to emergencies?
- b. “Soft berm” application of renourished sand into subtidal nearshore rather than beach face
- c. Address maintenance of groins - % DBR? Removal?
- d. Who owns groins? For U.S. Army Corps of Engineers projects, ownership is transferred to the applicant

Subcommittee Lead: Mark Caldwell

Mary Conley

Jeff Allen

Paul Gayes

6) Existing template: The issues below will be combined with a previous template, which seeks to set a standard that renourishment brings new sediment into system

- a. Evaluate feasibility of sand bypassing policy
 - i. Are they evaluated as dredge or renourishment projects, both?
 - ii. Considered only for “armored” inlets?
 - iii. Commitment? Long-term plan?
 - iv. E.g. Charleston Harbor
- b. Inlet Relocation?
 - i. Evaluate purpose – navigation vs. erosion control
 - ii. Honor COBRA regulations... southern shoals large and extend far from shore, could contribute new sand to littoral system – COBRA says to 30’
 - iii. Consider projects at Singleton Swash and Captain Sam’s Inlet

Subcommittee Lead: Paul Gayes

Mike Katuna

Bob Van Dolah

Chris Mack

Any members of the Committee who were absent from this meeting and would like to participate on one or more of the subcommittees are encouraged to contact Braxton Davis and the members in that working group.

Public Comment Period:

Rob Rettew of the Hunting Island Beach Preservation Association updated the Committee on the status of the erosion on Hunting Island. Recent spring tides have impacted the beach, and one structure may collapse soon. The beach has experienced

about 150-200 feet of erosion in two years. Additionally, a minor renourishment permit for Hunting Island has not yet been approved. Regarding the use of Emergency Orders, Mr. Rettew stated that the definition of “emergency” within the statute does not recognize events that are not strictly related to storms. He believes that acute events should be considered emergencies as well. For example, he expressed his belief that the U.S. Army Corps of Engineers’ dredging project of Fripp Inlet may have moved the channel closer to Hunting Island, and the groin field project at the northern end of Hunting Island may have increased erosion rates along the southern end of the island. A consultant has recommended that Hunting Island look into geotextile tube groins because these structures can be removed once they are no longer needed, and a time limit can be enforced.

Mr. Rettew stressed that education of homeowners is very important since most don’t understand coastal processes and hazards. He also hopes the Committee discusses timeframes for the approval of permits since he believes there should be a mechanism within the process so that a layperson can follow it and know what to expect.

Future Meeting Schedule:

Next meeting: Template and Progress Review; June 20, 2008

Place: SCDHEC-OCRM, 1362 McMillan Avenue, Charleston, SC

Format: A new topic area will not be introduced for discussion at this meeting. This meeting will provide time for the Committee to revisit the draft policy option templates that have been developed so far.

Next Steps and Agreements:

- 1) The next meeting, “Template and Progress Review,” will take place on **June 20, 2008** in Charleston.
- 2) Committee members who arrived late to the meeting or who were unable to attend are encouraged to get in touch with OCRM to listen to the full audio transcript, which is available in OCRM’s Charleston office.

- 3) Submitted written public comment materials will be distributed to Committee members. Oral public comments are described in the meeting minutes. All public comments will be available in full at OCRM's Charleston office.
- 4) Prior to the next meeting, OCRM will send the Committee an agenda for the June 20 meeting, draft policy option templates that have been developed, and draft meeting minutes for review.
- 5) Meeting materials including presentations and approved minutes will be posted:
http://www.scdhec.gov/environment/ocrm/science/shoreline_comm.htm